

REMARKS

This response is submitted to the Final Office Action dated November 18, 2003, having a shortened statutory period set to expire February 18, 2004.

Examiner Interview

Applicants' appreciate the Examiner's time in discussing this case with Applicants' attorney on December 30, 2003. The Examiner's suggestions in that teleconference were considered in the preparation of this response.

Claim Status

Claims 6-7, 13-14, and 20-21 are pending.

Claim Rejections – 35 U.S.C. § 103

On page 3 of the Final Office Action, Claims 6-7, 13-14, and 20-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Internet Explorer 4. That rejection is respectfully traversed and reconsideration of the claims is requested.

Applicant believes that the claims in the present application are not rendered unpatentable by Internet Explorer 4 under 35 U.S.C. § 103 because that reference does not teach or suggest one or more features recited in the claims herein. For example, Internet Explorer does not teach or suggest the following feature recited in claim 6 as amended in Amendment B:

setting access controls for at least two of the communications programs within the data processing system that employ different communications protocols as a function of the content label categories and associated user restrictions.

The Examiner argues that this element is shown by Internet Explorer 4 in combination with Microsoft Chat. However, neither the reference provided by the Examiner in the present office action ("Internet Explorer 4 for Windows for Dummies"), nor the screen shots provided within the office action, makes any teaching or suggestion that the "Content Advisor" functionality of Internet Explorer 4 applies in any manner to Microsoft Chat. The Examiner has not presented any evidence, except that Internet Explorer 4 included the Content Advisor.

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Applicants shall assume that such content-specific filtering is enabled within the HTTP engine of the Internet Explorer browser, but Applicants specifically dispute the Examiner's assertion that such content-specific filtering is performed in any manner in the Microsoft Chat program. The showing of a suggestion, teaching or motivation to combine the prior art references must derive from clear and particular evidence. "This showing must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not 'evidence.'" *Brown & Williamson Tobacco Corp. v. Phillip Morris, Inc.*, 229 F.3d 1120, 56 USPQ2d 1456 (Fed. Cir. 2000), citing *In re Dembiczak*, 175 F.3d at 1050 USPQ2d at 1617).

Thus, whether or not Internet Explorer 4 or Microsoft Chat imply at least two communication programs employing different communication protocols, the Examiner has failed to present evidence that the prior art taught or suggested "*setting access controls for at least two of the communication programs*," as is recited in claim 6. Moreover, there does not appear any motivation or suggestion in Internet Explorer 4 to combine or modify Internet Explorer 4 to include such Content Advisor functionality to the Microsoft Chat program. Consequently, Applicants respectfully submit that the Examiner has not presented a *prima facie* case of obviousness and that the rejection of claim 6 under Section 103 should be withdrawn.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP § 2142-2143.

For the reasons given above, Applicants respectfully request reconsideration of the rejection of claims 6-7, 13-14, and 20-21 because Internet Explorer 4 does not set access controls for at least two communication programs that employ different communication protocols as a function of the content label categories and associated user restrictions, as is recited in the

independent claims of the present application. Consequently, Applicants believe that the rejection of claims 6-7, 13-14, and 20-21 in view of Internet Explorer 4 is overcome. Applicants submit that all pending claims are in condition for allowance and respectfully request such allowance.

Respectfully submitted,



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